

# **FCC REGULATORY COMPLIANCE PLAN**

Miracom USA, Inc. ("Miracom" or the "Company"), is committed to full and complete compliance with the rules and regulations of the Federal Communications Commission ("FCC" or "Commission"). This Regulatory Compliance Plan ("Compliance Plan") sets forth the appropriate standards of care that Miracom has adopted and implemented to ensure FCC regulatory compliance, specifically with reference to its reimbursement from the TRS Fund Administrator for its provision of Internet Protocol Captioned Telephone Relay Service ("IP CTS") and future relay offerings, pursuant to Section 225 of the Communications Act of 1934, as amended ("Communications Act" or "Act"), and Part 64.601 *et seq.* of the Commission's rules in Title 47 of the Code of Federal Regulations.

## **Compliance Policy**

### **Scope**

Miracom must be in full compliance with the Communications Act, *see* 47 U.S.C. §§ 151 *et seq.* Miracom also must be in full compliance with the Commission's rules, *see* 47 C.F.R. 64.601 *et seq.*, and Commission orders and rulings that are adopted and released from time to time (all of which are referred to herein as the "Commission's Rules" or the "FCC's rules"). The FCC's rules are available and relevant TRS rules and orders are found at Tabs A-C.

### **Elements of the Policy**

The Compliance Plan contains the following elements:

- Compliance Review Process and Escalation Procedures
- Mandatory Regulatory Training
- Acceptable Use Acknowledgement for Customers
- Compliance Review of Minute Submissions to TRS Administrator
- Board Reporting
- FCC Compliance Support
- Tracking and Preventing Potential Improper Use of Relay Calls

This Compliance Plan sets forth and explains the Commission's rules governing Miracom's operations, in particular its obligations as a provider of IP CTS under section 225 of the Communications Act, 47 U.S.C. § 254 and Part 64.601 *et seq.* of the Commission's rules. The Compliance Officer shall ensure the Compliance Plan is kept up to date in all material respects. The Compliance Officer will be appointed by the Board of Director ("Board") and may

be an employee of the Company, a hired consultant, or counsel to the Company as determined by the Board.

### **Employee Recipients**

The Compliance Plan shall be provided to all current Miracom employees and to new hires as part of the hiring process.

## **Compliance Review Process and Escalation Procedures**

### **Duties of Compliance Officer.**

The Compliance Officer has responsibility for implementation of this Compliance Plan. The Compliance Officer's specific responsibilities include: designing and conducting compliance training for all Company managers; monitoring and responding to changes in the Company's business that may impact compliance issues, including review and evaluation of programs and activities to ensure that Company activities are consistent with applicable laws, regulations and contracts to which the Company is subject, and policies the Company has adopted. The Compliance Officer shall make an annual submission to the Board concerning the effectiveness of the Company's Compliance Plan setting forth any deficiencies uncovered, remedial actions taken and recommendations for further remedial action. The Compliance Officer will also submit a quarterly report to the Board including any matters raising a compliance concern, active major marketing and outreach programs, and the status of any governmental inquiries or investigations. The Compliance Officer will make or cause to be made such audits of company records and consumer registration documents as reasonably necessary to assure compliance with legal requirements and Company policies.

The Compliance Officer shall have authority to monitor ongoing Company activities and have access to all Company files and documentation relevant to his duties. This includes the right to interview Company employees in connection with investigations of potential violations of: (1) Company policies, (2) agreements to which the Company is a party, or (3) applicable law or regulations. The Compliance Officer shall institute procedures to screen out any internally generated relay minutes of use and prevent such minutes of use from being included in billings made to the TRS Fund.

The Compliance Officer reports to the CEO and the Board.

Any employee of the Company shall be entitled to consult with the Compliance Officer concerning compliance issues. All employees shall be made aware of this opportunity upon hire and shall be provided a copy of the Company's Compliance Plan. Such consultations shall be treated confidentially by the Compliance Officer subject to the Compliance Officer's fiduciary obligations to the Company. The Compliance Officer will maintain a means whereby employees may anonymously report matters that may raise compliance issues. The Company shall not retaliate against any employee raising a compliance issue, nor tolerate retaliation against an employee raising a compliance issue.

### **Pre-program Consultation and Review.**

The key to a successful compliance program is coordination and sharing of information. To that end, the Compliance Officer will be available for consultation at the planning stages of potential Company programs to minimize potential issues by both email and telephone for all departments. In addition, the Compliance Officer will meet routinely with key sales, marketing and outreach personnel. The Compliance Officer will also be copied on all material marketing sales and outreach correspondence to keep the Compliance Officer advised on the progress of outreach, sales and marketing programs. For the purpose of this Compliance Plan material programs are programs which are expected to (1) last 28 days or longer, (2) result in the expenditure of \$5,000 or more of Company funds, (3) give or award anything of value to consumers, or (4) involve relay calls (i) made by or on behalf of the Company or (ii) made to the Company or any agent or contractor of the Company from consumers or Company employees, agents, or contractors.

### **Programs Requiring Compliance Review.**

The following programs, elements thereof, or other identified matters will require compliance review and sign off without regard to the originating department:

- Any Company initiated customer contact programs, including contact by mail, email, or telephone, including review of prepared scripts for such programs.
- Any sales, marketing or outreach program.
- Any program involving the use of a third party call center.
- Any production of marketing, outreach, sales or promotional collateral, including video or VLOG production.
- Any press or news release.
- Any program or operation which involves the systematic internal use of relay services by company employees or third party agents or vendors.
- Any material change in policy concerning the handling or routing of relay calls, including call center procedures.
- Any release of call or customer data outside the company.
- Any material change in the handling of customer complaints or customer care operations.
- Any posting of VLOGs or video on Company websites.
- Any material company sponsorships or sponsorship programs of third-party organizations or events.
- Any substantial change to a previously reviewed item.
- Any change to the procedure or processes for registering relay users.
- Entering into a substantial contractual obligation in excess of \$50,000, or which is determined by the CEO or Board to have potential regulatory concern.

Failure to obtain required compliance review will subject any employee to disciplinary action.

### **Method for Obtaining Compliance Review.**

Review of all matters requiring a compliance review will be initiated by the submission to the Compliance Officer in writing (including electronically) of a Compliance Review Request ("Request"), in a form substantially equivalent to that attached hereto as Tab D.

In the case of written collateral, copies are to be provided with the Request. In the case of scripts or talking points, full copies are to be provided. VLOGs or other video postings must be accompanied by a written script. Collateral or postings in a language other than English must be accompanied by an English translation.

### **Review Procedure.**

The Request should be submitted as far in advance of implementation as possible, and at least one week in advance of implementation. If an expedited review is necessary, it must be indicated on the Request. Every effort will be made for timely review of an Expedited Request.

If the Compliance Officer determines there is no compliance issue present, he will clear the Request via email with a copy to the CEO. The email will include a copy of the Compliance Review Request.

If the Compliance Officer determines that the Request presents a not insubstantial regulatory risk, he will work with the requestor to minimize or eliminate the risk. If risk cannot be eliminated, the Compliance Officer will forward the Request and his evaluation to the CEO for review. The CEO will independently evaluate the risk and report his recommendations to the Compliance Officer. If the Compliance Officer and the CEO agree that significant risk exists, the proposed program, program element or activity shall be disapproved. If the Compliance Officer and the CEO disagree concerning whether significant risk exists, the program shall be referred to the Board for a final decision with appropriate input from legal counsel.

No program shall be approved if:

1. It provides for a financial or other incentive to relay users to make a relay call.
2. It provides for a financial or other incentive to third parties based on relay users making a relay call.
3. It would generate internal relay minutes (including minutes of use by contractors) which would otherwise be billed to the TRS Fund. Internal minutes are defined to include use of TRS services for demonstration, or confirmation purposes.
4. It solicits or encourages relay users to make relay calls they would not otherwise make or to make longer calls.
5. It would violate any provision of the Communications Act or any FCC rules or published policy.

### **Follow-Up.**

Compliance Review Requests will be filed by the Compliance Officer with a tickle date of no more than 90 days assigned for a status check to determine whether the activity, program, or program element is still operative. A written record of the status check shall be maintained.

### **Anonymous Compliance Hotline.**

The Compliance Officer must maintain a hotline or other means that enables employees to anonymously provide comments, complaints, or suggestions regarding Miracom and its operations. The Compliance Officer shall also treat complaints of regulatory violations confidentially and Miracom will not discharge, demote, suspend, threaten or harass, or in any manner discriminate against, any employee with respect to good faith reporting of complaints regarding violation of regulatory requirements.

## **Mandatory Regulatory Training**

To ensure that the entire Miracom team understands and commits to satisfying statutory and regulatory obligations, Miracom provides a mandatory training program for all employees having relay responsibilities. The goal of the training program is to ensure that all employees have a base level understanding regarding the obligations of TRS providers. Miracom tailors trainings to the specific positions that employees hold in the company. As statutory and regulatory obligations change, Miracom will revise its training materials accordingly.

A variety of methods are used to train, including power point presentations, virtual meetings and other activities. Additionally, Miracom issues frequent Training Memos that address topics such as new and updated call procedures, new company policies, reminders of best practices, platform updates, and new products and services between departments.

CAs will be trained to recognize situations and escalate to a supervisor for possible termination or other action where a call is not a legitimate relay call, e.g., where IP CTS is being used as a substitute for CART service or other abusive or fraudulent circumstances.

The Compliance Officer shall maintain a database of all employees, managers, representatives, and third party contractors to track and ensure completion of mandatory compliance training.

**Company-Wide Regulatory Training** – All new and existing employees must attend a regulatory seminar that addresses, among other things, acceptable use policy and escalation procedures within 90 days of hiring.

**Manager Training** – Additional training on workplace accommodations, ensuring functional equivalency for deaf staff, and consequences of violations of statutory and regulatory obligations.

**Outreach Representative Training** – Additional training on acceptable use policy, explanation that violation of policy or abuse of relay service is grounds for termination.

**Third Party Contractors** – Training on acceptable use policy and other issues relevant to the third party contractor.

## **Acceptable Use Acknowledgement for Individual Customers and Enterprise Customers**

Miracom's core consumer agreements and registration materials contain language regarding the Company's acceptable use policy and the ability of Miracom to deny service if known violations of such policy exist.

## **Compliance Review of Minutes**

**Proper Submission of Minutes to TRS Administrator.** If Miracom determines – following an investigation – that a call should not be billed, this conclusion is forwarded to accounting to remove the call from the monthly minute submission.

**Categorical Tracking of TRS Calls.** Miracom will track and disclose to the TRS Administrator – to the extent possible and where data is available – whether relay minutes are generated from categories of use that may raise a regulatory concern. In the course of this compliance effort, Miracom will not review calls for content. Except as required by the FCC or the TRS Administrator, Miracom will not submit to the TRS Administrator – or make publicly available – any information that shows the calling history or patterns of individual TRS users.

**Review of Traffic Patterns.** Miracom will review monthly minute submissions to the Administrator for anomalous calling patterns potentially indicating misuse or abuse of the service. Anomalous calling patterns will be investigated by the Compliance Officer and indications of improper use will be referred to the FCC's Office of Inspector General or other office as may be specified by the FCC.

## **New Board Reporting and Creation of Regulatory Sub-Committee**

The Board will meet quarterly with Senior Management to discuss compliance issues. At the meeting, Senior Management will: 1) review the prior three months' minute submittals; 2) summarize updates on programs reviewed and approved or rejected in the prior three months along with other pertinent details, for example, the results of traffic pattern reviews; and 3) inform the Committee of any known investigations or breaches of Miracom's compliance and acceptable use policies and the corrective steps being taken by Miracom. For objectivity and independence, Miracom's Compliance Officer – and as needed, outside regulatory counsel – will independently brief the Board on any issues and on the effectiveness of the Company's compliance policies on a semi-annual basis.

## **Compliance Support**

Miracom will provide adequate resources to ensure the Compliance Officer can fulfill the duties enumerated in this Compliance Plan. Such resources shall include access to any Miracom employee or officer and reasonable access to any funding, as the Compliance Officer deems necessary.

## **Tracking And Preventing Improper Relay Calls**

If Miracom reasonably believes that one or more of its employees have engaged in conduct that violates federal or state laws or FCC rules, the Compliance Officer – in conjunction with Human Resources – will take the following steps as appropriate:

- Temporarily suspend the individual(s);
- Fully investigate the facts and circumstances of the matter, including discussions with the accused, as well as supervisors, peers, and subordinates;
- Conclude whether a violation occurred;
- In the event a violation occurred, take remedial actions – after discussions with Human Resources – which may include suspension, termination, and referral to the appropriate governmental authorities.

In addition, where Miracom determines that minutes were billed inappropriately to the TRS Fund, it will advise the TRS Fund administrator at its earliest opportunity through the submission of a revised or corrected billing submission.